

HEADQUARTERS
UNITED STATES EUROPEAN
COMMAND
APO AE 09131-0400

DIRECTIVE
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LEGAL

Foreign Criminal Jurisdiction Over U.S. Personnel

1 **Summary.** This Directive prescribes policies and procedures for and assigns responsibilities relating to the exercise of criminal jurisdiction over U.S. personnel by foreign governments; appoints Designated Commanding Officers (DCOs) and country representatives for matters relating to the exercise of criminal jurisdiction over U.S. personnel by the host country; implements pertinent directives and Joint Service regulations; and directs the submission of reports regarding the exercise of such foreign jurisdiction.

2 **Applicability.** This Directive applies to U.S. European Command (USEUCOM) component commands; HQ USEUCOM directorates and staff offices; and all Security Assistance Organizations (SAO) operating in the EUCOM area of responsibility.

3. **Internal Control Systems.** This Directive is not subject to the requirements in EUCOM Directive (ED) 50-8, Management Control Program.

4. **Suggested Improvement.** The HQ USEUCOM Judge Advocate (ECJA) is the proponent for this Directive. Suggested improvements should be sent to: HQ USEUCOM, ATTN: ECJA, UNIT 30400, APO AE 09131-0400.

5. **References.**

a. Department of Defense Directive 5525.1, Status of Forces Policy and Information, 7 August 1979, Incorporating Through Change 2, July 2, 1997, Certified Current as of November 17, 2003.

b. Army Regulation (AR) 27-50/Air Force Instruction (AFI) 51-706/Secretary of the Navy Instruction (SECNAVINST) 5820.4G, Status of Forces Policies, Procedures, and Information, 15 December 1989.

c. United States Army Europe Regulation 550-50/Commander, U.S. Navy Europe Instruction (COMUSNAVEURINST) 5820.8I/U.S. Air Forces in Europe Instruction (USAFEI) 51-706, Exercise of Foreign Criminal Jurisdiction over United States Personnel, 31 January 2001.

d. United States Army Europe Regulation 550-56/COMUSNAVEURINST 5820.13C/USAFEI 51-705, Exercise of Jurisdiction by German Courts and Authorities over U.S. Personnel, 3 September 2003.

e. Defense Intelligence Agency Manual 100-1, Volume I, Defense Attaché Manual for Administration, 17 March 1997.

6. **Responsibilities.**

a. The Commander, U.S. European Command (CDRUSEUCOM) will:

(1) Implement and oversee provisions of DoD and Joint Service directives, particularly references 5a and b, concerning the exercise of criminal jurisdiction over U.S. personnel within the EUCOM area of responsibility.

(2) Appoint Designated Commanding Officers for countries within the EUCOM geographic area of responsibility in which U.S. military forces are regularly stationed.

b. The responsibilities of Designated Commanding Officers, Country Representatives, and Country Liaison Agents are set forth in this Directive and in the references.

7. **Policies and Procedures.**

a. The policies and procedures provided for in references 5a and 5b are implemented within EUCOM by this Directive and by references 5c and 5d. Policies and procedures set forth in the references do not preclude a request for waiver of jurisdiction in any case in which such waiver is considered appropriate by a Designated Commanding Officer or commander designated- by him.

b. Designated Commanding Officers. The following are appointed as Designated Commanding Officers for the countries indicated:

(1) CDRUSAREUR for Austria, Belgium, The Netherlands, Germany, and Switzerland.

(2) Deputy COMUSNAVEUR for Iceland, Israel, Italy, Mozambique, South Africa, Tanzania, Greece, Spain, and Tunisia.

(3) COMUSAFE for Cyprus, Denmark, Luxembourg, Morocco, Norway, Portugal (including the Azores), Turkey, the United Kingdom, and France.

(4) In countries other than those specified above, and in accordance with pertinent provisions of references 5b and 5e, U.S. Defense Representatives perform the duties of Designated Commanding Officers in connection with the exercise of criminal jurisdiction over U.S. personnel by foreign authorities, including the submission of required administrative reports.

(5) On a case-by-case basis in a country for which one of the component commands has not been appointed a Designated Commanding Officer, HQ USEUCOM may appoint a Designated Commanding Officer. In such a circumstance, the U.S. Defense Representative who would normally be responsible under paragraph 7b(4), above, will be relieved of the responsibility.

c. Country Representative.

(1) The Designated Commanding Officer will appoint a senior U.S. Officer to be known as the Country Representative for each country for which he is given responsibility in paragraph 7b above. The Country Representative will serve as the single point of contact with the host country and the U.S. diplomatic mission in that country for matters relating to the exercise of criminal jurisdiction over U.S. personnel by that country.

(2) The final decision of whether to request formal State Department action through diplomatic channels in an effort to obtain a waiver or relinquishment of criminal jurisdiction is, however, reserved in all cases to the Designated Commanding Officer. In executing his delegated functions, the Country Representative shall officially serve and be known as the "U.S. Country Representative, (name of country concerned)." Designated Commanding Officers will promptly notify HQUSEUCOM/ECJA and component commanders as U.S. Country Representatives are newly appointed or changed.

d. Country Liaison Agents. Each component commander (CDRUSAREUR, Deputy COMUSNAVEUR, and COMUSAFE) may appoint Country Liaison Agents for certain specified countries in the EUCOM geographical area in which he is not the Designated Commanding Officer, for the purpose of delegating to such agents certain of his foreign criminal jurisdiction responsibilities and functions as the component commander of his service in the host country. Component commanders will promptly notify HQ USEUCOM/ECJA and each other when newly appointing or changing Country Liaison Agents.

8. **Reports.** A copy of each of the following will be submitted to HQ USEUCOM, ATTN: ECJA:

a. The Country Law Study required by reference 5b.

b. Directives issued by a Designated Commanding Officer or Country Representative applicable to all personnel within a country. Directives will be forwarded to ECJA for approval prior to promulgation.

c. A copy of each Trial Observer Report as required by references 5a-d, concerning a trial in which the trial observer or a reviewing authority concludes the trial was unfair.

d. A copy of each report of visit to a confined person as required by references 5a-d, in which conditions are reported as being in violation of international agreements, treatment of U.S. personnel is unfair, or U.S. personnel are not afforded the rights, privileges, and protections of personnel confined in U.S. military facilities.

e. A copy of each annual report on the exercise of foreign jurisdiction as required by references 5a-d.

f. A copy of each semiannual confinement report required by references 5b and c.

g. A timely report of serious or unusual incidents as contemplated by paragraph 4.8 of reference 5b and paragraph 28 of reference 5c.

FOR THE COMMANDER:

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